IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.476 OF 2006

IN

SUMMARY SUIT NO.2723 OF 2003

Ajit Shah ...Plaintiff.

vs.

M/s.Shah Lakhamshi Parbat & Co. & others. ...Defendants.

Mr.A.G.Damle, for Plaintiff.

Ms.S.P.Thakkar, for Defendant no.2.

Mr.M.N.Kenia, for Defendant nos.3 to 5.

Mr.M.J.Devani, for Defendant nos.6 & 7.

CORAM: D.K.DESHMUKH,J.

DATED: 9th January, 2007.

P.C.:-

1. The plaintiff has based his suit on a writing which, according to the plaintiff, is signed by the defendant no.6 on behalf of defendant .1 firm. The defendant no.6 on being served with the summons for judgment, admittedly in the month of November,2006,

wrote a letter to the Advocate appearing for the plaintiff seeking inspection of the originals of the documents on which he relies. Admittedly, without there being any reason the plaintiff has not given inspection to the defendants. Therefore, the plaintiff cannot be permitted to rely on the documents. As the plaintiff cannot be permitted to rely on the documents since inspection of the originals of the documents has not been given by the plaintiff to the defendants, then obviously the defendants have good defence to offer. The summons for judgment is therefore, disposed of. The defendants are granted unconditional leave to defend the suit. Written statement to be filed within 12 weeks from today.